

need only take leave for the time the facility was open. The bill would be applied retroactively to cover employees who were affected by the closings due to power shortages in the winter of 1994.

During the winter of 1994, there were several days when a policy of liberal leave was initially declared, but subsequently State offices were closed. As a result of these closings, employees who reported to work despite the liberal leave policy were paid for the hours they worked plus the hours during which State office buildings were closed. On the other hand, employees who did not come to work on these days were charged with leave for the full work day. Senate Bill 725 was introduced for the benefit of those employees who stayed at home but wanted the same paid time off that employees who made the effort to come to work received.

The State's liberal leave policy allows an employee to take annual, personal or compensatory leave, without prior approval, when inclement weather prevents the employee from coming to work. I have always been inclined to declare liberal leave when weather is bad so that employees can make their own decisions based on their personal circumstances. While I certainly support each employee's decision to stay home when liberal leave is declared, I cannot support the expansion of liberal leave proposed in Senate Bill 725.

When an employee elects to stay home on a day when a liberal leave policy is in effect, the employee does so with the full knowledge that he or she will lose a day of paid leave. It is the employee's choice to make. However, when an employee makes the effort to come to work and offices are subsequently closed, the employee has no choice but to leave work. It is a matter of fairness that the employee receive paid leave for the hours the employee would have worked if the offices had remained opened. This principle does not apply to an employee who has already made the choice to stay home and is not affected by the closing of State offices. Since the employee was not at work, the employee was not harmed by the office closing early. Therefore, there is no reason to compensate the employee with paid leave.

In addition, Senate bill 725 would reduce the incentive for an employee to come to work when a liberal leave determination is announced. This could negatively impact an agency's ability to keep offices operating at a minimum level. Furthermore, the bill would apply only to Executive branch employees in the State Personnel Management System, and not to the Legislative or Judicial branches or agencies with independent personnel systems, such as the Department of Transportation. This lack of uniformity is inconsistent with the provisions of existing employee emergency release procedures.

Finally, Senate Bill 725 has a retroactive provision which would require significant changes to a large number of employee time records. This approach is inconsistent with the normal practice of making changes to State personnel policies prospective only.

For these reasons, I have vetoed Senate Bill 725.

Sincerely,
William Donald Schaefer
Governor